



McNees Wallace & Nurick LLC
attorneys at law

RECEIVED
CENTRAL FAX CENTER

MAY 18 2005

Routing #393
Client #08563-0140-1

FAX COVER LETTER

DATE: May 18, 2005

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Commissioner for Patents FAX: (703) 872-9306
Attn: Certificate of Corrections Branch

FROM: K. Scott O'Brian Direct Dial: (717) 237-5492

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 11

MESSAGE:

Please acknowledge receipt of documents.

Transmittal Form

Copy of Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor Names as originally filed 02
MAR 2005 (w/copy of Auto-Reply Facsimile Transmission) (8 pages)
Certificate of Facsimile Transmission

Attorney Docket No.: 08563-0140-1
Application No.: 10/067,155 / US Patent No. 6,810,585
Filing Date: February 4, 2002 / Issued: November 2, 2004

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Kimberly A. Newell TELEPHONE: (717) 237-5239

*******CONFIDENTIALITY NOTE*******

The information and documents accompanying this transmission contain information from the law firm of McNees Wallace & Nurick LLC which is confidential and/or legally privileged. The information is intended solely for the use of the individual or entity named on this transmission sheet. If you are not the designated recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited.

If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you and with reimbursement for cost you may have incurred in responding to this notification.

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031

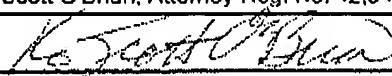
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

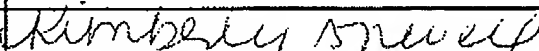
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/067,155 / US Patent No. 6,810,585
		Filing Date	February 4, 2002 / Issued: Nov. 2, 2004
		First Named Inventor	Teresa R. HICKOK
		Art Unit	3732
		Examiner Name	Todd E. MANAHAN
Total Number of Pages in This Submission	11	Attorney Docket Number	08563-0140-1

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Fax Transmittal Copy of Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor Names as originally filed 02 MAR 2005 (w/copy of Auto-Reply Facsimile Transmission) (8 pages)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	McNees Wallace & Nurick LLC		
	K. Scott O'Brian, Attorney Reg. No. 42,946		
Signature			
Date	May 18, 2005		

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Kimberly A. Newell		
Signature		Date	May 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

USPTO 3/2/2005 10:01 AM PAGE 1/001 Fax Server
 TO: Auto-reply fax to 717 237 5300 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 717 237 5300

Fax Information

Date Received:

3/2/2005 9:57:58 AM [Eastern Standard Time]


Total Pages:

6 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

05/02/2005 08:00 FAX 717 237 5300		MCNEES WALLACE & NURICK		05/02/2005	
 McNees Wallace & Nurick LLC <small>Attorneys at Law</small>		Building #393 Client #0000-0140-1			
FAX COVER LETTER					
DATE: March 2, 2005					
PLEASE DELIVER THE FOLLOWING PAGES:					
TO: Commissioner for Patents Attn: Certificate of Corrections Branch		FAX: (703) 072-9306			
FROM: K. Scott O'Brien		Direct Dial: (717) 237 5492			
TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 6					
MESSAGE:					
Please acknowledge receipt of documents.					
<small>Trademark Filing Division for Certification of Corrections Under 37 CFR § 1.308 in Compact Inventor Address Certificate of Examining Procedure</small>					
<small>Agency District No. 10000-0140-1 Application No. 10000-0140-1 (US Patent No. 6,810,000) Filing Date: February 8, 2002 / Inventor: November 7, 2008</small>					
FAX NUMBER: (717) 237-5300					
PARALEGAL RESPONSIBLE: Kimberly A. Newell TELEPHONE: (717) 237-5230					
*****CONFIDENTIALITY NOTE*****					
<small>The information you are receiving is confidential. It is the property of McNees Wallace & Nurick (MCN) and is not to be disclosed or used for any other purpose. The information is intended solely for the use of the individual or entity named on this transmittal sheet. If you are not the named individual or entity, you are hereby notified that any disclosure, copying, distribution or other use of the information is prohibited. If you have received this transmittal in error, please notify us by telephone immediately so that we can attempt to retrieve the original document for you. We will not be held responsible for any loss or damage resulting from this notification.</small>					
PAGE 14 * RCVD AT 3/2/2005 9:57:58 AM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/4 * DNIS:8729306 * CSID:717 237 5300 * DURATION (mm:ss):03:46					

08563-0140-1

05/18/2005 17:27 FAX 717 237 5300
05/02/2005 00:00 FAX 717 237 5300

MCNEES WALLACE & NURICK
MCNEES WALLACE & NURICK

004/011
001

*** TX REPORT ***

393

TRANSMISSION OK

TX/RX NO 2114
RECIPIENT ADDRESS 393#08563#0140#393#17038729308
DESTINATION ID
ST. TIME 03/02 09:57
TIME USE 01'59
PAGES SENT 8
RESULT OK

MWN

McNees Wallace & Nurick LLC
attorneys at law

Routing #393
Client #08563-0140-1

FAX COVER LETTER

DATE: March 2, 2005

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Commissioner for Patents FAX: (703) 872-9306
Attn: Certificate of Corrections Branch

FROM: K. Scott O'Brian Direct Dial: (717) 237-5492

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 6

MESSAGE:

Please acknowledge receipt of documents.

Transmittal Form
Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor Names
Certificate of Facsimile Transmission

Attorney Docket No.: 08563-0140-1
Application No.: 10/067,155 / US Patent No. 6,810,585
Filing Date: February 4, 2002 / Issued: November 2, 2004

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Kimberly A. Newell TELEPHONE: (717) 237-5239

PAGE 4/11 * RCVD AT 5/18/2005 5:27:52 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/4 * DNIS:8729306 * CSID:717 237 5300 * DURATION (mm-ss):03-46



McNees Wallace & Nurick LLC
attorneys at law

Routing #393
Client #08563-0140-1

FAX COVER LETTER

DATE: March 2, 2005

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Commissioner for Patents
Attn: Certificate of Corrections Branch

FAX: (703) 872-9306

FROM: K. Scott O'Brian

Direct Dial: (717) 237-5492

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 6

MESSAGE:

Please acknowledge receipt of documents.

Transmittal Form
Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor Names
Certificate of Facsimile Transmission

Attorney Docket No.: 08563-0140-1
Application No.: 10/067,155 / US Patent No. 6,810,585
Filing Date: February 4, 2002 / Issued: November 2, 2004

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Kimberly A. Newell **TELEPHONE: (717) 237-5239**

*******CONFIDENTIALITY NOTE*******

The information and documents accompanying this transmission contain information from the law firm of McNees Wallace & Nurick LLC which is confidential and/or legally privileged. The information is intended solely for the use of the individual or entity named on this transmission sheet. If you are not the designated recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is prohibited.

If you have received this transmission in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you and with reimbursement for cost you may have incurred in responding to this notification.

PTO/SB/21 (02-04)

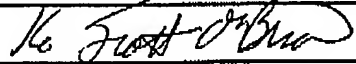
Approved for use through 07/31/2008. OMB 0051-0031

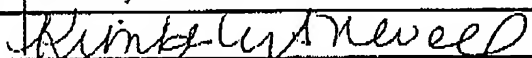
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/067,155 / US Patent No. 6,810,585	
	Filing Date	February 4, 2002 / Issued: Nov. 2, 2004	
	First Named Inventor	Teresa R. HICKOK	
	Art Unit	3732	
	Examiner Name	Todd E. MANAHAN	
Total Number of Pages in This Submission	6	Attorney Docket Number	08563-0140-1

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Fax Transmittal
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	McNees Wallace & Nurick LLC K. Scott O'Brian, Attorney Reg. No. 42,946
Signature	
Date	March 2, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Kimberly A. Newell		
Signature		Date	March 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Attorney Docket No. 08563-0140-
U.S. Patent 6,810,585 B2

**RECEIVED
CENTRAL FAX CENTER**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**MAY 18 2005**

In re Application of Teresa R. Hickok :
:
U.S. Patent No.: 6,810,585 B2 : Group Art Unit: 3732
:
Issue Date: November 2, 2004 : Examiner: Manahan, Todd E.

For: MICROENDODONTICS ULTRASONIC SURGICAL DENTAL TOOL HAVING
WATER PORT AND METHOD OF MAKING SAME

**PETITION FOR CERTIFICATE OF CORRECTION UNDER 37 CFR
§ 1.324 TO CORRECT INVENTOR NAMES**

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Dr. Kim is added as an inventor as a result of a Settlement Agreement in the lawsuit, Dentsply International, Inc. v. Earth City Technologies, Inc., United States District Court for the Eastern District of Missouri, Eastern Division (Case No.: 4:01CV00173HEA). During prosecution of the lawsuit, certain facts were brought to light to indicate that Dr. Kim is a co-inventor of the application as a result of contributions to at least one of the claims of the subject application made during the development of the invention by Ms. Hickok. Nevertheless, this omission was erroneous and without deceptive intent. The assignee of the application has thus acted to comply with 35 U.S.C. § 116 and 37 CFR § 1.48, to correct inventorship by providing the required declarations, chain of title and other documents to add Dr. Kim as the inventor.

A summary of correspondence in this regard follows. On April 6, 2004, Applicant submitted an unsigned Declaration adding Dr. Kim as an inventor. A Notice of Allowance dated May 3, 2004 was sent by the U.S. Patent Office. Apparently, the papers were lost by the U.S. Patent Office after receipt, so Applicant submitted a status letter on June 14, 2004. On July 13, 2004, the Examiner, recognizing Applicant's attempt to add an inventor, submitted a Response, citing deficiencies under 37 CFR 1.48(a). On August 2, 2004, Applicant sent by facsimile to the

Attorney Docket No. 08563-0140-1
U.S. Patent 6,810,585 B2

Examiner documents required by the Examiner believed to resolve deficiencies regarding the petition to correct inventorship.

On August 3, 2004, the last day possible to pay the Issue and Publication Fees without the application going abandoned as it was three months after the mailing date of the Notice of Allowance, Applicants timely paid the Issue and Publication Fees. On September 20, 2004, the Examiner sent an Examiner's Amendment citing yet another deficiency for the correction of inventorship under 37 CFR 1.48(a). On October 13, 2004, Applicant provided documents addressing this deficiency. On October 20, 2004, Applicant received an Issue Notification, stating the projected issue date was set for November 2, 2004. Indeed, on November 2, 2004, U.S. Patent No. 6,810,585 issued, however, Dr. Kim had not been added as an inventor.

On February 2, 2005, the undersigned teleconferenced with the Examiner regarding the status of the 37 CFR 1.48 petition, noting that MPEP 1481 provides that a 37 CFR 1.48 petition filed in a pending application but not acted upon until after the application becomes a patent, may be treated as a petition under 37 CFR 1.324. The Examiner had concurred that the 37 CFR 1.48 petition had been timely filed, and that this matter would be placed on a "hot docket" and the 37 CFR 1.48 petition approved. However, no documents were filed making this a matter of record, as November 2, 2004 is the most recent entry in PAIR as of February 28, 2005.

CONCLUSION

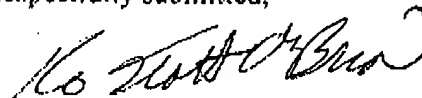
Applicant has acted promptly upon learning of the circumstances giving rise to the correction of inventorship, and has diligently and timely provided documents to the Examiner, and respectfully requests that in accordance with MPEP 1481, the petition under 37 CFR 1.48 be timely approved as well as timely approval of the petition under 37 CFR 1.324 to correct inventorship.

If a telephone conference would expedite this matter, the Examiner is encouraged to contact the undersigned.

Attorney Docket No. 08563-0146-1
U.S. Patent 6,810,585 B2

The Commissioner is hereby authorized to charge indicated fees and any additional fees and credit any overpayments to Deposit Account No. 50-1059, although none should be required as timely fees were paid for the petition under 37 CFR 1.48.

Respectfully submitted,



Dated: March 2, 2005

K. Scott O'Brian
Reg. No. 42,946

McNees Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, Pa 17108-1166
Phone: 717-237-5492
Fax: 717-237-5300
Attorney for Applicant

PTO/SB/97 (08-03)

Approved for use through 07/31/2006. OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office

on March 2, 2005.

Date



Signature

Kimberly A. Newell

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Transmittal Form

Petition for Certificate of Correction Under 37 CFR §1.324 to Correct Inventor

Names

Certificate of Fax Transmittal

Attorney Docket No.: 08563-0140-1

Application No.: 10/067,155 / US Patent No. 6,810,585

Filing Date: February 4, 2002 / Issued: November 2, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/97 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

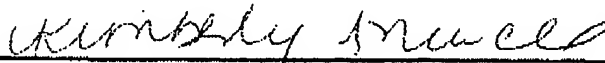
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
transmitted to the United States Patent and Trademark Office

on May 18, 2005.

Date



Signature

Kimberly A. Newell

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

Transmittal Form

Copy of Petition for Certificate of Correction Under 37 CFR §1.324 to Correct
Inventor Names as originally filed 02 MAR 2005 (w/copy of Auto-Reply

Facsimile Transmission) (8 pages)

Certificate of Fax Transmittal

Attorney Docket No.: 08563-0140-1

Application No.: 10/067,155 / US Patent No. 6,810,585

Filing Date: February 4, 2002 / Issued: November 2, 2004

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.